

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000030

International filing date (day/month/year)
07.01.2005

Priority date (day/month/year)
31.01.2004

International Patent Classification (IPC) or both national classification and IPC
C11D17/00, C11D3/37, C11D3/22, C11D3/20

Applicant
RECKITT BENCKISER N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: EP-A-0 466 484
D2: US-A-4 642 197
D3: EP-A-0 812 808

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses tablets of a compacted particulate composition comprising water-softening actives, a cellulose derivative and cross linked polyvinyl pyrrolidone (cf. D1 page 5 lines 25-36, examples 2, 3, 6, 10-13, 15). The subject-matter of claim 1 is therefore not new in view of D1.

The document D2 discloses compressed tablets with water-softening actives comprising as disintegrating agent a cellulose derivative and cross linked polyvinyl pyrrolidone (cf. D2 column 6 lines 38-54, example 1). Therefore, the subject-matter of claim 1 is not new in view of D2.

2. Even if the novelty objections raised above could be overcome, an inventive step would have to be demonstrated over document D3, as the present claimed subject-matter appears to be obvious over this prior art document (Article 33(3) PCT).

The document D3 discloses a water-softening tablet which optionally comprises a disintegrating agent based on polyvinyl pyrrolidone, cellulose or a mixture thereof (cf D3 page 4 lines 14-19, claims 1, 7, 9, 10).

The subject-matter of claim 1 therefore differs from this known water-softening tablets in that they comprise a disintegrating agent comprising both cross linked polyvinyl pyrrolidone and cellulose.

The problem to be solved by the present invention may therefore be regarded as to provide

alternative water-softening tablets.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

D3 already suggests that a disintegrating agent may be used, and that it may comprise the combination of polyvinyl pyrrolidone and cellulose. Furthermore, both disintegrating agents are commonly used as water swellable disintegrating agents for tablets. As no unexpected result or effect can be derived by the use of such a combination, it does not involve an inventive step. The optional use of a water soluble salt does also not involve an inventive step, as water soluble salts are also known as disintegrating agents for tablets, and its effect is not even shown in the examples of the present application.

3. In dependent claim 2, the term *substantially free* is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT). For this reason, this feature has been disregarded and the subject-matter of claim 2 is not considered to be novel in view of D1 and D2.

4. Dependent claims 3-6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, the reasons being as follows:

The features of dependent claims 3-6 have already been employed for the same purpose in a similar tablet, see document D2.